GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR&RD - Allegations of irregularities with mala fide intention without sanctioning any sub estimate against LS Provision of Rs.4.95 Lakhs – O&M of CPWS Scheme to Medarametla and others habitations of Prakasam District – Disciplinary proceedings against Sri Shaik Baba Lateef the then Assistant Project Director, APRWSSP and presently working as Deputy Executive Engineer, Rural Water Supply Sub Division, Ongole, Prakasam District - under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991– Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.210 **Dated:03.03.2016**

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ORDER:

It is proposed to hold an enquiry against Sri Shaik Baba Lateef, the then Assistant Project Director, APRWSSP and now working as Deputy Executive Engineer, Rural Water Supply Sub Division, Ongole, Prakasam District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed as Annexure-II and Annexure-III.

3. Sri Shaik Baba Lateef, the then Assistant Project Director, APRWSSP and now working as Deputy Executive Engineer, Rural Water Supply Sub Division, Ongole, Prakasam District is directed to submit within (10) days of the receipt of this order, a written statement of his defence.

4. Sri Shaik Baba Lateef, the then Assistant Project Director, APRWSSP and now working as Deputy Executive Engineer, Rural Water Supply Sub Division, Ongole, Prakasam District is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri Shaik Baba Lateef, the then Assistant Project Director, APRWSSP and now working as Deputy Executive Engineer, Rural Water Supply Sub Division, Ongole, Prakasam District is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri Shaik Baba Lateef, the then Assistant Project Director, APRWSSP and now working as Deputy Executive Engineer, Rural Water Supply Sub Division, Ongole, Prakasam District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Shaik Baba Lateef, the then Assistant Project Director, APRWSSP and now working as Deputy Executive Engineer, Rural Water Supply Sub Division, Ongole, Prakasam District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Shaik Baba Lateef, the then Assistant Project Director, APRWSSP and now working as Deputy Executive Engineer, RWS Sub Division, Ongole, Prakasam Dist., through the Engineer-in-Chief, A.P., RWS&S., Hyderabad.

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The Engineer-in-Chief, Andhra Pradesh, Rural Water Supply & Sanitation, Hyderabad (in duplicate with a request to serve and return the dated acknowledgement copy).

Copy to:

The Genl. Admn. (Vig. & Enf.) Department (with reference to Vig. Report No.38 (1064V&E/E2/2013), dt.06.05.2015).
The Secretary to Andhra Pradesh Vigilance Commission, Hyderabad.
The Panchayat Raj & Rural Development (Estt.I) Department.
S.f./S.c.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT SHOWING THE ARTICLE OF CHARGES FRAMED AGAINST SRI SHAIK BABA LATEEF, THE THEN ASST. PROJECT DIRECTOR, APRWSSP AND NOW WORKING AS DY.EE., RWS SUB DIVISION, ONGOLE, PRAKASAM DISTRICT.

CHARGE 1:-

That Sri Shaik Baba Lateef, while working as Deputy Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Ongole has submitted O&M estimate in two parts with separate staff pattern during maintenance period from 01.04.2011 to 31.07.2011 with mala fide intention, thereby caused a loss of Rs.1,63,480/- to Government.

BASIS:-

As per the General Administration (Vigilance & Enforcement) Department Vigilance Report No.38 (C.No.1064/V&E/E2/2013), dt.06.05.2015) Sri Shaik Baba Lateef, while working as Deputy Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Ongole, has submitted O&M estimate with different staff pattern in Part – A & Part-B spells for the work maintenance of CPWS Scheme to Medarametla and other habitations of Prakasam District for the year 2011-12. In Part-A water supply rate is Rs. 2.27/KL including materials such as Bleaching powder, gas chlorination and Alum and in Part-B the water supply rate is worked out to Rs. 0.90/KL excluding cost of the above materials for a demand supply of 4.421MLD per day as per projected population of the habitations covered. In worked out data, it was observed system staff pattern required for running the plant i.e., labour components taken in both periods are different i.e. Rs.5082/day in Part-A, where as it was worked out to Rs. 3742/day in Part-B. Part-A estimates consists 122days, thus an undue advantage of Rs.1,63,480/- (122x(5082-3742) was caused to the contractor during Part-A period i.e. from 01.04.2011 to 31.07.2011.

From this it is evident that he has shown Gross negligence towards his legitimate duties and violated Rule (3) of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1964.

Hence the charge.

CHARGE 2:

That Sri Shaik Baba Lateef, while working as Deputy Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Ongole has committed grave irregularities in as much as he approved sub-estimates and concluded k2 agreements with several deviations without any approval from the competent authority. He also approved separate staff pattern for supply of water in sub estimates of the above work during period from 01.08.2011 to 31.03.2012.

BASIS :

As per the Genl. Admn. (Vig.& Enf.) Dept., vigilance report No.38 (C.No.1064/V&E/E2/2013), dt.06.05.2015, Sri Shaik Baba Lateef, while working as Deputy Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Ongole, has approved several sub estimates for different items limiting each sub estimate to his technical sanction power of Rs. 2.00 Lakhs and all works are entrusted to Sri A.Venkata Rao through k2 agreements. He has concluded 19 such k2 agreements with Sri A.Venkata Rao during period from 01.08.2011 to 31.03.2012 without calling tenders and executing O&M works by splitting the work conveniently below Rs.2.00 Lakhs is highly irregular violating the guidelines issued by the Government.

Further, in sanctioned estimate, the rate arrived for supply of water is worked out to Rs.0.90/KL for estimated quantity of 4.421MLD. In sub estimates sanctioned by Sri Shaik Baba Lateef, DEE, RWS&S SD, Ongole, the cost of system staff is arrived at Rs.4371/day against the rate of Rs.3742.00/day in approved estimate. In the subestimates approved by DEE, data for KL rate was worked out on lesser water supply quantity per day i.e., reduced MLD, which also caused an increase in water supply rate per KL. The rate worked out in different sub estimates are ranging from

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Rs.1.20 to 1.39/KL in different months. As per MB recordings, the total water supplied from 01.08.2011 to 31.03.2012 is 869624.78KL and amount paid was Rs. 1095820/- i.e., at an average rate of Rs. 1.26/KL against approved rate of Rs.0.90/KL. Thus an undue advantage of Rs.3,13,065/- (869624.78x0.36) was caused to the contractor in supply of water during the period from 01.08.2011 to 31.03.2012.

From the above, he recommended for payments to all deviation items and not obtained any working estimate from field officers incorporating these deviations to submit the same to the competent authorities for approval. From this it is evident that he has shown Gross negligence towards his Legitimate Duties and violated Rule (3) of Andhra Pradesh Civil Services (Classification Control & Appeal) Rules, 1964.

Hence the charge.

CHARGE 3:

That Sri Shaik Baba Lateef, while working as Deputy Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Ongole has failed to obtain monthly return of material accounts from the field officers in maintenance of O&M to Medarametla Scheme and allowed contractor to consume excess disinfection materials in the above work during 01.08.2011 to 31..03.2012 without any approval from the competent authority.

BASIS:-

As per the General Administration (Vig. & Enf.) Department Vigilance Report No.38 (C.No.1064/V&E/E2/2013), dt.06.05.2015, Sri Shaik Baba Lateef, while working as Deputy Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Ongole allowed contractor to consume excess disinfection materials in the above work during 01.08.2011 to 31.03.2012 without any approval from the competent authority.

As per sanctioned estimate, for supply of 4.421MLD water, the bleaching powder required is estimated as 30.95 Kg/ day (7Kg/MLD), Alum required is 198.95 Kg/day (45kg/MLD) and chlorine gas required is 8.84 kg/day (2kg/MLD). Though the water supply was reduced and is varying from 3.308 to 3.843 MLD in different months from 01.08.2011 to 31.03.2012, the usage posted in registers for these materialswas as per original estimated quantity of 4.421 MLD without any reduction. The quantities utilized as per, registers during 01.08.2011 to 31.03.2012, actual quantity required as per norms and excess cost of involved in usage of materials is tabulated below.

S.No	Description of material	Total Water supplied in MLD	Qty of Usage recorded as per registers in Kg.	Actual required Qty in Kg.	Excess Qty Usage recorded in Kg.	Rate/ Kg	Excess amount in Rs.
1	Bleaching Powder	869.62478	7403.05	6087.37	1315.68	26.00	34207.68
2	Alum	869.62478	47785.50	39133.12	8652.38	10.98	95003.13
3	Chlorine Gas	869.62478	2161.60	1739.25	422.35	34.50	14571.08
Total cost of excess materials consumed							143781.89

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He failed to obtain 7F Account registers for the O&M Scheme monthly from the field officers, thus an amount of Rs.1,43,782/- caused loss to Government exchequer for issuing the excess materials for supply of water from 01.08.2011 to 31.03.2012. From this it is evident that he has shown Gross negligence towards his Legitimate Duties and violated Rule (3) of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1964.

Hence the charge.

CHARGE 4:

That Sri Shaik Baba Lateef, while working as Deputy Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Ongole has check measured and recommended bill for Rs.10.00 Lakhs to M/s. S.V. Associates, Hyderabad towards preparation of DPRs under NRDWP Scheme by colluding with SE and consultants to draw funds deposited by NHAI.

BASIS:-

As per the General Administration (Vig.&Enf.) Department Vigilance Report No.38 (C.No.1064/V&E/E2/2013), dt.06.05.2015, he himself is accepting that estimates done by the consultants are not up to the level of expectation and also accepting that all mistakes are happened by oversight or as they are new this type of works. But he simply saying that, all was happened by oversight or as they are not aware of the rules and guidelines does not relieve them from their responsibility.

As per consultant guidelines, they have to make field investigations in the presence of field engineers and should obtain signatures of Assistant Engineer/Assistant Executive Engineer on all field tests/levels etc. Without obtaining any certificate to that effect from field engineers he check measured and recommended payments to consultants. Without checking the estimates as per guidelines and without verifying technical sanctions for the DPR by the competent authority and he check measured the MBs and also recommended for 100% payments to consultants. Several other irregularities observed in the process of agreements especially in individual consultancy firms. Without verifying previous experience of individual consultants, he recommended for approval. All buills are processed through him without any scrutiny from accounts side and recommended payments causing excess payments in the form of service tax which is to be recovered and remitted to central excise department. Apart from this, there are several lapses observed in quotations, evaluations, agreements and payments to the consultants discussed in the V&E report for which he is also responsible.

From the above, Sri Shaik Baba Lateef, while working as Deputy Executive Engineer, Rural Water Supply & Sanitation, Sub Division, Ongole has check measured and recommended for payment to consultant in a view to draw funds illegally and caused a loss of Rs.10.00 Lakhs to Government Excheqer.

From this it is evident that he has shown Gross negligence towards his Legitimate Duties and violated Rule (3) of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1964.

Hence the charge.

CHARGE 5:

That Sri Shaik Baba Lateef, while working as APD(A/C), O/o Project Manager, APRWSSP, Ongole has failed to scrutinize the bid evaluations and signed alone in tender opening register without any witnesses of bidders or other officials and several discrepancies were noticed in bid evaluations, for which he is responsible.

BASIS:-

As per the General Administration (Vig. & Enf.) Department Vigilance Report No.38(C.No.1064/V&E/E2/2013), dt.06.05.2015, Sri Shaik Baba Lateef, while working as APD (A/C), O/o Project Manager, APRWSSP, Ongole has submitted almost all bid evaluations to project Director with a time lapse of 2 to 3 months. Being bid opening authority it is his responsibility to check bids and note down corrections made at the time of opening and enter that in bid opening register. He has not taken any signatures of witness of either contractors or office staff for some works in register. With the support of office staff only corrections were carried out by the contractors for which he

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is responsible. While recommending bids he should have checked thoroughly with the tender conditions and rates quoted by the contractors.

From this it is evident that he has shown Gross negligence towards his Legitimate Duties and violated Rule (3) of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1964.

Hence the charge.

Dr.K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE –II

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI SHAIK BABA LATEEF THE THEN ASSISTANT PROJECT DIRECTOR, APRWSSP AND NOW WORKING AS DEE., RWS SD, ONGOLE, PRAKASAM DIST. ARE PROPOSED TO BE SUSTAINED.

From the General Administration (Vigilance & Enforcement) Department, Vigilance Report No.38, dt.06.05.2015.

Dr.K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGES FRAMED AGAINST SRI SHAIK BABA LATEEF THE THEN ASSISTANT PROJECT DIRECTOR, APRWSSP AND NOW WORKING AS DEE., RWS SD, ONGOLE, PRAKASAM DIST. ARE PROPOSED TO BE SUSTAINED.

-Nil-

Dr.K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER